UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MRI Software, LLC,	)	Case No. 1:12-cv-01082
	)	
Plaintiff,	)	Judge Christopher A. Boyko
	)	
vs.	)	
	)	
Lynx Systems, Inc. *et al.*,	)	
	)	
Defendants.	)	

Defendants' Motion for Stay

Lynx Systems, Inc. and Donald Robinson (collectively, "Lynx") respectfully move the Court to stay this case pending its disposition of Lynx's Motion for Sanctions under Federal Rule of Civil Procedure 37(b)(2)(A) (ECF # 180) and their Motion for Dismissal Sanctions Under Federal Rules of Civil Procedure 37(c) and 41(b) (ECF # 188). A brief memorandum in support of this motion is submitted herewith.

Respectfully submitted,

Dated: May 23, 2016

/s/ David T. Movius

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vs.	)	
	)	
Lynx Systems, Inc. et al.,	)	
	)	
Defendant.	)	

Memorandum in Support of Defendants' Motion for Stay

Lynx Systems, Inc. and Donald Robinson (collectively, "Lynx") respectfully submit this memorandum in support of their motion to stay this case pending its disposition of their Motion for Sanctions under Federal Rule of Civil Procedure 37(b)(2)(A) (the "Source Code Motion," ECF # 180) and their Motion for Dismissal Sanctions Under Federal Rules of Civil Procedure 37(c) and 41(b) (the "Dismissal Sanctions Motion," ECF # 188).

Introduction

Fact and expert discovery are closed, and the Court has set a June 24, 2016, dispositive motion deadline. (*See* Feb. 2, 2016 Order, ECF # 170.) In anticipation of that deadline, Lynx seeks a short stay because its motions are likely to at least substantially narrow the claims and issues in this case, and its Dismissal Sanctions Motion is potentially dispositive. Lynx's Source Code Motion is fully briefed (*see* ECF # 180, 183 & 185), and all briefing on its Dismissal Sanctions Motion should be complete by June 20, 2016.[1] That,

[1] Under Local Rule 7.1(d), and including the three additional days for service provided under Federal Rule of Civil Procedure 6(d), MRI's opposition brief is due on or before July 9, 2016, and Lynx's reply brief would then be due on or before July 20, 2016.

however, is just four days before dispositive motions are due. A short stay therefore would promote judicial economy and spare the parties from incurring potentially-significant expenses briefing issues that the Court may resolve when it decides Lynx's motions.

Law and Argument

"The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its own docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co., Inc.*, 299 U.S. 248, 254 (1936). That power rests within the sound discretion of the district court. *Ohio Env. Council v. United States District Court*, 565 F.2d 393, 396 (6th Cir. 1977). A stay is warranted and should be entered where "there is pressing need for delay [and] neither the other party nor the public will suffer harm from entry of the order." *Id.* That is the case here.

Unless the Court finds that neither MRI's failure to heed the Court's order compelling production of its source code nor its failure to provide damages discovery since December 2012 warrants sanctions, its rulings on Lynx's motions are likely to narrow the claims and issues in this case substantially. That particularly would be true if the Court orders dismissal sanctions, but even lesser sanctions are likely to be material, as MRI's misconduct affects both liability and damages. Moreover, even MRI's almost trivial proposal for resolving Lynx's Source Code Motion—allowing Dr. Özsoyoğlu to submit a supplemental report—would necessitate continuation of the upcoming dispositive motion deadline and, almost certainly, the trial date. A short stay while the Court considers Lynx's motions therefore would both serve the interests of the Court and likely spare the parties from wasting potentially-significant money on unnecessary dispositive motion practice.

Conversely, because its own misconduct is the reason why these matters are before the Court in the first instance, MRI hardly can claim that it would be prejudiced by a short stay. Lynx would not have filed either of its motions, and the Court would not have to decide them, if MRI had produced all of its source code as the Court ordered on September 18, 2014, and provided the damages discovery that Lynx has been seeking since December 2012. But MRI did not. MRI therefore should not be heard to complain that it would be harmed if the Court were to briefly stay this case while it considers how best to address the harm that MRI already has caused.

Finally, the public interest is best served by conservation of judicial resources and an efficient and effective civil justice system. A short stay while the Court considers Lynx's motions therefore would benefit—not harm—the public interest.

Conclusion

For these reasons, Lynx asks the Court to grant this motion and stay further proceedings in this case pending its disposition of Lynx's Motion for sanctions under Federal Rule of Civil Procedure 37(b)(2)(A) (ECF # 180) and its Motion for Dismissal Sanctions Under Federal Rules of Civil Procedure 37(c) and 41(b) (ECF # 188).

Respectfully submitted,

Dated: May 23, 2016

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Certificate of Service

I hereby certify that, on May 23, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ David T. Movius
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